

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00046

Brandon Earl Crocker,
Plaintiff,

v.

Larry Smith et al.,
Defendants.

ORDER

Plaintiff Brandon Earl Crocker, an inmate of the Texas Department of Criminal Justice proceeding pro se and *in forma pauperis*, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 4.

On May 25, 2021, defendants Larry Smith and Smith County Sheriff's Department moved to dismiss the claims against them. Doc. 22. Plaintiff opposed the motion. Doc. 26. On August 2, 2021, the magistrate judge submitted a report and recommendation that the motion be granted with respect to the Smith County Sheriff's Department because it is not a jural entity subject to suit under § 1983. Doc. 31. The magistrate judge recommended that the motion be denied with respect to defendant Larry Smith. *Id.* No objections were filed by any party.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The Smith County Sheriff's Department is dismissed from this suit with prejudice.

So ordered by the court on October 25, 2021.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge